IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.730 OF 1998

M/s. Chhaganlal Madanlal ...Plaintiff

Versus

M/s.Shanti Textiles & Anr. ...Defendants

Ms S.M.Poddar i/by Shri M.L.Bansal for the Plaintiff.

CORAM : ABHAY S.OKA, J.
DATED : JULY 04, 2007.

P.C.:

1. List of the documents is taken on record and marked "X" for identification. This suit is listed in the list of "Undefended Suits". The Defendants have not file written statement.

2. The suit is filed by the Plaintiff for recovery of the price of the goods sold and delivered to the Defendants. According to the case made out by the Plaintiff during the period between 22nd February, 1996 to 10th April, 1996 various goods were sold by the Plaintiffs to the Defendants. According to the Plaintiffs the goods worth Rs.02,09,370/- were sold and delivered to the Defendants. In the plaint it is pointed out that the Defendants returned the goods worth Rs.73,816.40/-. Accordingly, the claim in the suit is of Rs.01,35,553/- together with interest thereon at the

rate of 24% up to 30th November, 1996. According to the case of the Plaintiffs total interest payable on the sum of Rs.01,35,533/- till the date of institution of the suit is Rs.63,628.84/-. The original documents are placed on record for my perusal including a notice of demand issued by the Advocate for the Plaintiffs.

3. The averments made in the plaint are not denied. This is a fit case for passing a decree by invoking Rule 10 of Order VIII of the Code of Civil Procedure, 1908. Considering the facts and circumstances of the case, the interest from the date of filing of the suit deserves to be granted at the rate of 18 per cent per annum.

4. Hence, this suit is decreed in terms of prayer made in paragraph No.11 of the plaint subject to modification that the interest payable will be at the rate of 18 per cent per annum from the date of the suit on the amount of Rs.01,35,533.00/-. The Defendants will pay costs of the suit to the Plaintiff.

JUDGE